

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
v.) CASE NO. 2:05CR303-MEF
)
DOROTHY JEAN RAWLS)

ORDER

The defendant filed a Motion To Dismiss Count Two of the Indictment on 18 January 2006 (Doc. # 12); she also seeks an evidentiary hearing. The defendant alleges that the facts set forth in the indictment constitute an “attempt” to violate Title 18 U.S.C. § 1709, but the indictment does not charge an attempt. The defendant’s motion is replete with conclusory allegations, but its allegations are not supported by a single authoritative citation. If the defendant expects to secure relief in this court of law, she must cite to legal citations in support of her position, rather than relying on mere suspicion or conjecture.

Accordingly, it is ORDERED as follows:

1. On or before 27 January 2006, the defendant shall re-file her Motion to Dismiss Count Two of the Indictment, together with her brief, with authoritative citations, in support of her motion. This directive shall be construed by the parties as an extension of the defendant’s time for filing her motion to suppress. It is not an extension of time to file any other pretrial motions that have not previously been filed.
2. The defendant is DIRECTED to include in her motion or brief a justification

for an evidentiary hearing on the issue that she raises. The issue appears to be subject to resolution without consideration of “evidence”.

3. On or before 3 February 2006, the government shall file its response to the motion, together with its brief, with authoritative citations, in support of its response. The government is DIRECTED to state expressly whether it is charging the defendant with an “attempt” or with a consummated criminal offense and shall present the court with legal citations in support of its contentions.

Pending its receipt of the defendant’s new motion and the government’s response thereto, the court reserves a decision regarding the necessity of an evidentiary hearing.

DONE this 19th day of January, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE